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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,710	01/29/2000	Gabriel Ilan	P-1653-US	3580

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EXAMINER

BEAULIEU, YONEL

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

Office Action Summary

Application No.

09/674,710

Applicant(s)

ILAN ET AL.

Examiner

Yonel Beaulieu

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed 15 January 2003 have been fully considered but they are not persuasive.

With regard to Applicants' arguments (remarks bridging page 2 and top of page 3), the Examiner disagrees with Applicants' position concerning the "handwriting recognition unit." The Examiner still maintains item 22 of fig. 1 in Schneider meets such a limitation. Given the broadest interpretation in examining the claimed invention, the definition provided by Applicants does not preclude the claimed limitation from being met because item 22 in Schneider provides for an operator to enter enable code; in other words, the information entered is recognized by the system; thus, this idea of handwriting recognition information.

Regarding Applicants' arguments (page 3, the six paragraphs under "Claim Rejection Under 35 U.S.C. § 103"), the Examiner maintains Obradovich has not been relied upon for the teaching of the "handwriting recognition."

As for the arguments (from last paragraph on page 3 through the third paragraph on page 4), upon further review, the Examiner agrees that Oberteuffer et al. ('523 B1) is in fact not prior art based upon the priority date deficiency. In view of such, Oberteuffer et al. has been withdrawn. However, since those claims have prior been rejected, they remain rejected as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 9, 11 – 17, 19, 22 – 29, and 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al. (US 4,856,072).

Regarding claims 8, 9, 11 – 19, 22 – 29, and 33 Schneider et al. teaches an apparatus (fig. 1), comprising a voice recognition unit (16) to output (through item 42) a first command being voice signals; a handwriting recognition unit (22) to output (through item 18) a second command; a control unit (14) to receive and combine the commands and to control (by way of item 18) one appliance in a vehicle (the vehicle not being explicitly shown) – the appliance being a car alarm (note item 19) - the commands being alphanumeric or symbolic characters (using item 22); and a microphone (38).

Furthermore, Schneider et al. teaches controlling at least one appliance within a vehicle with one signal generated from recognition of voice (title; abstract; fig. 1 at least; summary; col. 2: 47 – col. 4: 25 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 21, 30 - 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider ('072) in view of Obradovich (US 6,282,464).

As discussed above, Sawada teaches all of the limitations except for one of the commands being a cell phone command, the appliance being a sunroof, or a window.

However, Obradovich teaches, in an art related field, command being a cell phone command (by way of item 106a in fig. 1), a sunroof or a window (note item 108c; col. 7: 54 – 57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Schneider's apparatus by including a cell phone command, a sunroof, or a window as evidenced by Obradovich in order to enhance efficient use of the apparatus.

While Schneider and Obradovich are somewhat silent on a three-dimensional hand gesture, the combination has been shown to provide an apparatus that would have been obvious to one of ordinary skill in the art at the time of the invention as performing equally well.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on Monday to Friday (0630-1600), first Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. CUCHLINSKI can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and same for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Y. BEAULIEU
March 9, 2003


YONEL BEAULIEU
PRIMARY EXAMINER